

**7-41A. Noncompliance Penalty: Assessment and Signing Consent Agreements  
(1200 TN 350 7-41A)**

1. **AUTHORITY.** Pursuant to section 120 of the Clean Air Act:
  - a. To assess and receive payment of a noncompliance penalty against every person described in section 120(a)(2)(A) of CAA; and
  - b. To negotiate and sign consent agreements memorializing settlements between the Agency and respondents under section 120 of the CAA.
2. **TO WHOM DELEGATED.** Director, Air Protection Division (APD); director, Hazardous Site Cleanup Division (HSCD); and the director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).
3. **LIMITATIONS.**
  - a. Prior to exercising this authority, the delegatee must consult with the AA for OECA. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the regional counsel will conduct all negotiations.
  - b. The AA for OECA may waive, in writing, the consultation requirement;
  - c. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or in cases of national significance. The Assistant Administrator for Enforcement and Compliance Assurance or his/her designee must notify the regional administrator or his/her designee when exercising any of the above authorities.
  - d. The Agency official who signed the complaint should sign the settlement agreement.
  - e. The director, OECEJ may exercise the above authority only in multi-media cases.
  - f. The director, OECEJ must consult with the APD delegatee before exercising the above authority.
  - g. The director, HSCD authority is limited to those facilities that do not comply with Section 112(r) of the CAA.
  - h. The director, OECEJ must consult with the HSCD delegatee before exercising this authority for penalties for non-compliance with the requirements of 112(r) of the CAA.


4. **REDELEGATION AUTHORITY.**

- a. This authority may be redelegated to the associate director level and no further. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** None.

6. **SUPERSESSSION.** Delegations Manual, CAA, Regional Delegation 7-41-A.  
Noncompliance Penalty: Assessment and Signing Consent Agreements, 1200TN RIII-145, (May 9, 2001).

Date 3/17/2017

  
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